227.7104 Contracts under the Small Business Innovation Research (SBIR) Program.

(a) Use the clause at [252.227-7018](#) , Rights in Noncommercial Technical Data and Computer Software–Small Business Innovation Research (SBIR) Program, when technical data or computer software will be generated during performance of contracts under the SBIR program.

(b) Under the clause at [252.227-7018](#) , the Government obtains SBIR data rights in technical data and computer software generated under the contract and marked with the SBIR data rights legend. SBIR data rights provide the Government limited rights in such technical data and restricted rights in such computer software during the SBIR data protection period commencing with contract award and ending five years after completion of the project under which the data were generated. Upon expiration of the five-year restrictive license, the Government has unlimited rights in the SBIR technical data and computer software.

(c) During the SBIR data protection period, the Government may not release or disclose SBIR technical data or computer software to any person except as authorized for limited rights technical data or restricted rights computer software, respectively.

(d) Use the clause at [252.227-7018](#) with its Alternate I in research contracts when the contracting officer determines, in consultation with counsel, that public dissemination by the contractor would be—

   (1) In the interest of the Government; and

   (2) Facilitated by the Government relinquishing its right to publish the work for sale, or to have others publish the work for sale on behalf of the Government.

(e) Use the following provision and clauses in SBIR solicitations and contracts that include the clause at [252.227-7018](#) :

   (1) [252.227-7016](#) , Rights in Bid or Proposal Information;

   (2) [252.227-7017](#) , Identification and Assertion of Use, Release, or Disclosure Restrictions;

   (3) [252.227-7019](#) , Validation of Asserted Restrictions–Computer Software;

   (4) [252.227-7030](#) , Technical Data–Withholding of Payment; and

   (5) [252.227-7037](#) , Validation of Restrictive Markings on Technical Data (paragraph (e) of the clause contains information that must be included in a challenge).

(f) Use the following clauses and provision in SBIR solicitations and contracts in accordance with the guidance at [227.7103-6](#) (c) and (d):

   (1) [252.227-7025](#) , Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends; and

   (2) [252.227-7028](#) , Technical Data or Computer Software Previously Delivered to the Government.

Parent topic: [SUBPART 227.71 —RIGHTS IN TECHNICAL DATA](#)